

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARY F. WILLARD and	:	
ROBERT E. WILLARD, w/h,	:	
	:	CIVIL ACTION
	:	
<i>Plaintiffs,</i>	:	NO. 02-CV-4013
v.	:	
	:	
JEFFERSON AT WESTTOWN, ET AL.	:	
<i>Defendants</i>	:	

ORDER

AND NOW, this _____ day of December, 2003, it is hereby ORDERED and DECREED that Defendants Westtown Apartments, Inc. a/k/a Jefferson at Westtown, JPI Management, LP and Jefferson at Westtown shall provide full and complete answers to plaintiffs' interrogatories, request for production of documents and supplemental request for production of documents within ten (10) days of the date of this Order or suffer sanctions upon application to this Court.

CLIFFORD SCOTT GREEN, S.J.

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MARY F. WILLARD and	:	
ROBERT E. WILLARD, w/h,	:	
	:	CIVIL ACTION
	:	
<i>Plaintiffs,</i>	:	NO. 02-CV-4013
vi.	:	
	:	
JEFFERSON AT WESTTOWN, ET AL.	:	
<i>Defendants</i>	:	

**MOTION TO COMPEL DEFENDANTS' ANSWERS AND RESPONSES TO
PLAINTIFFS' INTERROGATORIES, REQUEST FOR PRODUCTION OF
DOCUMENTS AND SUPPLEMENTAL REQUEST
FOR PRODUCTION OF DOCUMENTS**

1. This personal injury action was filed as a result of injuries sustained on June 24, 2000 by plaintiff Mary Willard when she tripped and fell over a raised section of sidewalk on defendants' property, an apartment complex in West Chester, Pennsylvania known as Jefferson at Westtown. Plaintiff Robert Willard is Mary Willard's husband and has a claim for loss of consortium.

2. This suit was filed on June 21, 2002.

3. Plaintiffs served interrogatories and request for production of documents on January 22, 2003. These interrogatories and request for production of documents were served on David Breslau, Esquire, original counsel for defendants.

4. On April 10, 2003 plaintiff forwarded copies of interrogatories and document requests that were served on Mr. Breslau to new counsel, Maureen Hailey, Esquire. On April 10, 2003, plaintiffs also served their first supplemental requests for production of documents.

5. Defendants have not provided answers, responses or objections to the aforesaid discovery requests and despite several telephonic requests to defense counsel reminding that the answers are overdue and requesting that answers be provided, defendants have not answered plaintiffs' interrogatories, request for production of documents or supplemental requests for production of documents.

6. Pursuant to Local Rule 26.1 as well as Rule of Civil Procedure 37, plaintiff respectfully requests an Order compelling defendants' answers and responses to plaintiffs' interrogatories, request for production of documents and supplemental requests for production of documents.

WHEREFORE, plaintiffs Mary Willard and Robert Willard respectfully request that an ORDER be entered in the form proposed.

RESPECTFULLY SUBMITTED,



DAVID J. STUTMAN, ESQUIRE
FOX ROTHSCCHILD, LLP
2000 Market Street, Tenth Floor
Philadelphia, PA 19103
(215) 299-2750

Attorney for Plaintiffs
Mary Willard and Robert Willard, w/h

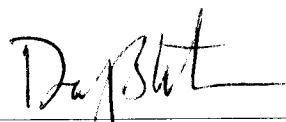
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vii.	:	
	:	
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<i>Defendants</i>	:	

CERTIFICATION OF SERVICE

I hereby certify that service of a true and correct copy of the Motion to Compel has been served upon the below listed parties on the 15th day of December, 2003 by United States Mail, Postage Pre-paid and via facsimile.

Maureen Hailey, Esquire
30 S. 17th Street, Suite 2010
Philadelphia, PA 19103



DAVID J. STUTMAN

IN THE UNITED STATES DISTRICT COURT
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MARY F. WILLARD and
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viii.

JEFFERSON AT WESTTOWN, ET AL.

Defendants

CIVIL ACTION

NO. 02-CV-4013

CERTIFICATION OF COUNSEL

I, David J. Stutman, Esquire hereby certify pursuant to Local Rule 26.1 that I am attorney for plaintiffs Robert and Mary Willard. After reasonable effort, the parties are unable to resolve the dispute concerning the subject matter in plaintiffs' Motion to Compel.

RESPECTFULLY SUBMITTED,



DAVID J. STUTMAN, ESQUIRE
FOX ROTHSCHILD, LLP
2000 Market Street, Tenth Floor
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(215) 299-2750

Attorney for Plaintiffs,
Mary Willard and Robert Willard, w/h